

## **AMENDMENTS TO THE CLAIMS:**

The following listing of claims supersedes all prior versions and listings of claims in this application:

### **LISTING OF CLAIMS:**

1. (Currently Amended) A method of transmitting data over a network having initially undetermined transmission capacity, in which the data comprise a single an audio first part representing audio information including no alternatives therein relating to different resolutions and at least two alternative ~~video~~ second parts ~~representing video information corresponding in which the at least two alternative second parts correspond~~ to respective different resolutions, for synchronized presentation at a receiving terminal simultaneously with the first part, said method comprising:

(a) transmitting at least an initial portion of the ~~audio~~ single first part ~~comprising audio but no video signals;~~

(b) receiving data indicative of the available transmission capacity;

(c) choosing one from among the alternative ~~video~~ second parts corresponding to respectively different resolutions, as a function of the data indicative of the available transmission capacity; and

(d) transmitting the chosen ~~video~~ second part and any remainder of the single ~~audio~~ first part for synchronized presentation at a receiving terminal simultaneously with the first part[::]

~~wherein the audio first part is data comprising an audio signal but no video signal and the alternative video second parts are alternative sets of associated video data,~~

~~encoded at respective different compression rates, for presentation simultaneously with the associated audio data.~~

2. (Currently Amended) A method according to claim 1 including the step of generating said data indicative of the available transmission capacity by monitoring the transmission by the network of the said initial portion of the ~~[[audio]]~~ single first part.

3. (Currently Amended) A method according to claim 1 in which, in an initial time period of step (d), transmission of a leading part of the chosen ~~[[video]]~~ second part of an extent corresponding to the extent of the ~~[[audio]]~~ single first part already transmitted is performed preferentially to, or to the exclusion of, further transmission of the ~~[[audio]]~~ single first part, thereby causing the transmission of the synchronized second part to catch up with its corresponding first part.

4-7. (Cancelled)

8. (Currently Amended) A method for transmitting related audio and video digitized data representing an audio-visual presentation over a communications network having an initially undetermined transmission capacity wherein the audio data includes only a single version thereof, said method comprising:

(a) initially transmitting digitized audio data over a communications network without corresponding digitized video data;

(b) determining available transmission capacity of the communications network based on said initial transmission of audio data;

(c) selecting one of plural corresponding but different resolution digitized video data as a function of the determined available transmission capacity; and

Matthew David Walker, *et al.*  
Serial No. 10/549,582  
July 6, 2009

(d) thereafter continuing to transmit (i) said digitized audio data, and (ii) the selected resolution digitized video data over said communications network.